



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF J-Z-

DATE: FEB. 13, 2018

APPEAL OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a researcher, seeks classification as an individual of extraordinary ability in the sciences. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Nebraska Service Center denied the Form I-140, Immigrant Petition for Alien Worker, concluding that the Petitioner had satisfied only two of the initial evidentiary criteria, of which she must meet at least three. On appeal, the Petitioner submits additional evidence and contends that she has demonstrated eligibility for this classification.

Upon *de novo* review, we will sustain the appeal.

I. LAW

Section 203(b)(1)(A) of the Act states:

Aliens with extraordinary ability. -- An alien is described in this subparagraph if –

- (i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
- (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
- (iii) the alien's entry into the United States will substantially benefit prospectively the United States.

The term “extraordinary ability” refers only to those individuals in “that small percentage who have risen to the very top of the field of endeavor.” 8 C.F.R. § 204.5(h)(2). The implementing regulation at

8 C.F.R. § 204.5(h)(3) sets forth two options for satisfying this classification's initial evidence requirements. First, a petitioner can demonstrate a one-time achievement (that is a major, internationally recognized award). Alternately, he or she must provide evidence that meets at least three of the criteria listed at 8 C.F.R. § 204.5(h)(3)(i)-(x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011). This two-step analysis is consistent with our holding that the "truth is to be determined not by the quantity of evidence alone but by its quality," as well as the principle that we examine "each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true." *Matter of Chawathe*, 25 I&N Dec. 369, 376 (AAO 2010).

II. ANALYSIS

At the time of filing, the Petitioner was a researcher at the [REDACTED] studying the origins, behavior, diseases, genetics, and life processes of insects and spiders. As she has not established that she has received a major, internationally recognized award, she must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x).

A. Evidentiary Criteria

The Director found that the Petitioner met the judging criterion at 8 C.F.R. § 204.5(h)(3)(iv) and the authorship of scholarly articles criterion at 8 C.F.R. § 204.5(h)(3)(vi). The record supports these findings, as it includes evidence that she has reviewed numerous manuscripts for journals such as the [REDACTED] and [REDACTED] and that she has authored dozens of scholarly articles in her field.

On appeal, the Petitioner maintains that she also meets the contributions of major significance criterion at 8 C.F.R. § 204.5(h)(3). As discussed further below, we agree that the record adequately documents the major significance of her contributions to the field. Accordingly, the Petitioner has met the plain language requirements of three criteria. Furthermore, in a final merits analysis, we find that she has demonstrated achievements indicating she is among the small percentage at the very top of the field of endeavor.

B. Final Merits Determination

In a final merits determination, we examine the material in a collective nature to determine if the individual has demonstrated, by a preponderance of the evidence, that a petitioner has sustained national or international acclaim, and achievements recognized in the field through extensive documentation. Here, the Petitioner has offered sufficient evidence to show that she meets that standard.

We first evaluate the significance of the Petitioner's judging experience to determine if such evidence is indicative of her extraordinary ability as required for this highly restrictive classification. *See Kazarian*, 596 F. 3d at 1121-22. Here, the record indicates that she has received and completed independent requests to review a substantial number of manuscripts for multiple professional publications. In addition, she was selected as an expert reviewer for a research proposal seeking federal funding from the [REDACTED]. We find this experience, together with the achievements described below, to be consistent with a determination that the Petitioner is among the small percentage at the top of his field of endeavor. *See* 8 C.F.R. § 204.5(h)(2).

Next, the Petitioner has provided evidence of her authorship of a considerable amount of published material relating to her studies on phylogeny, systematics, and biodiversity. Specifically, the record reflects that she has written 43 scholarly articles and co-authored five book chapters, in addition to presenting her research findings at several conferences. As authoring scholarly articles is inherent to scientists and researchers, the citation history or other evidence of the influence of the Petitioner's written work is an important indicator of the impact that her work has had on the field the recognition it has received. In this case, the Petitioner has offered evidence that her articles had garnered over 300 citations at the time of filing the petition, and she provided documentation showing that her citation history is very high for her specialized area of study. In addition, even after filing, her work continues to be cited at a high level, with her work now having received well over 500 citations.¹

Beyond presenting citation evidence, the Petitioner has clearly identified her contributions to the field and has otherwise documented their significance. The record reflects that she discovered 200 new species of insects and revised the taxonomy of 160 spiders. She also described 96 new species of jumping spiders which represent 10% of the overall documented information regarding certain spider families. In another project, the Petitioner collected and reported on 111 species of long-jawed spiders from China, including 41 newly discovered species and two new subfamilies. In addition, as evidence of her work's importance and the acclaim she has garnered, the record indicates that two researchers with no personal connection to the Petitioner have named new species of spiders after her due to her contributions to the field and her influence on their work.

The importance and recognition of the Petitioner's research is further evidenced through several recommendation letters applauding her work and her influence upon the field of phylogenetics,

¹ *See* [REDACTED] [https://\[REDACTED\]](https://[REDACTED]) (last visited February 7, 2018, and incorporated into the record).

systematics, and the biodiversity discovery of spiders. For example, [REDACTED] professor at [REDACTED] stated that she applied “modern molecular phylogenetic approaches into systematic studies of an interesting jumping spider lineage,” and this “phylogenetic framework provides a solid foundation for almost all future studies on evolution, as well as biodiversity and maintenance of this group.” [REDACTED] professor at the [REDACTED] explained that the Petitioner “achieved more than I could have imagined, completing a monumental and groundbreaking work,” by “combining molecular phylogenetic approaches with the traditional taxonomic method.” He also stated that her work is “essential to projects that impact U.S. interests, such as agriculture and biological control of pests.”

Further, [REDACTED] associate professor at the [REDACTED] noted that the Petitioner’s “background in spider systematics is truly one of a kind worldwide.” He also stated that she “discovered and described more than 200 new spider species and genera (a higher rank than species in classification, and includes closed related species), and taxonomically revised more than 160 spider taxa, all of which have been incorporated in [REDACTED] a key reference for researchers working on spider systematics and biodiversity.” Finally, the record includes ample documentary evidence supporting the aforementioned references’ statements regarding the significance and originality of the Petitioner’s work.

III. CONCLUSION

When considered in its totality, the evidence submitted supports a finding that the Petitioner is an individual of extraordinary ability consistent with a finding that she is one of a small percentage at the very top of the field of endeavor and that she has documented sustained acclaim. *See* section 203(b)(1)(A) of the Act; 8 C.F.R. § 204.5(h)(2), (3); *Kazarian*, 596 F.3d at 1119-20.

ORDER: The appeal is sustained.

Cite as *Matter of J-Z-*, ID# 879949 (AAO Feb. 13, 2018)